

**DURHAM, NORTH CAROLINA
MONDAY, JANUARY 5, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Councilmembers Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Councilmember Brown.

[CEREMONIAL ITEMS]

Mayor Bell read a proclamation in celebration of Dr. John Hope Franklin's Centennial Birthday; and stated that the proclamation would be forwarded to the family.

Mayor Bell read the Justice Sunday 2015 Proclamation; and presented the proclamation to Dr. George Wilson, Professor of Criminal Justice, of North Carolina Central University.

Dr. Wilson indicated that Justice Sunday was founded to commemorate Dr. Martin Luther King, Jr. and that area churches had been contacted with the request to dialogue and celebrate justice on that particular Sunday.

Mayor Bell read the Mentoring Month Proclamation; and presented the proclamation to DeWarren K. Langley, JD, Vice Chair of the Durham County Juvenile Prevention Council and Larry Thomas, President of Thomas Leadership Mentoring Academy.

Mr. Langley expressed appreciation for the proclamation and stated he was a benefactor of mentoring.

Mr. Thomas thanked the city leaders for their support and positive mentoring of youth; and spoke to the Our Brother's Keeper Summit coming to Durham.

Councilmember Brown emphasized the importance of positive mentoring; appreciated that the topic was brought up; and spoke to the passing of former Governor Mario Cuomo of New York State.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council.

Councilmember Schewel addressed the proposed resolution concerning unaccompanied migrant children; thanked local Hispanic organizations and Durham Public Schools for their

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contributions; requested supporters in the audience to stand; and expressed gratitude for all stakeholders' teamwork.

Mayor Pro-Tempore Cole-McFadden congratulated the Durham Ministerial Alliance and the city-wide revival being held at Union Baptist Church; indicated that she would be departing from the council meeting at 7:45 p.m. to attend the revival; and requested a motion to be excused at that time.

[EXCUSE MAYOR PRO TEMPORE COLE-MCFADDEN]

MOTION by Councilmember Davis, seconded by Councilmember Catotti, to excuse Mayor Pro Tempore Cole-McFadden from the meeting at approximately 7:45 p.m. was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[PRIORITY ITEMS]

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield requested that Item #23, Zoning Map Change – Autopark Center (Z1400011), be referred to the City-County Planning Department; and stated the applicant's attorney and design consultant desired to modify the development plan to reflect appropriate notation concerning the ability to seek a buffer reduction. As this was a significant change to the plan, as defined by the UDO (Unified Development Ordinance), the case would need to be reheard by the Planning Commission at the upcoming February meeting.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Catotti, to accept the City Manager's priority item was approved at 7:17 p.m. by the following vote: Ayes: Mayor William V. Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Absent: None.

The City Attorney and City Clerk confirmed they had no priority items.

The Mayor explained the Consent Agenda noting that it would be voted on in one motion and if a citizen or councilmember wanted to pull an item, it would be heard at the end of the general business agenda.

There were no items pulled from the Consent Agenda.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to approve City Council minutes for the November 6, 2014 Work Session and the November 17, 2014 City Council Meeting was approved at 7:20 p.m. by the following vote: Ayes: Mayor

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Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: FIREFIGHTER'S RELIEF FUND BOARD OF TRUSTEES - APPOINTMENTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to reappoint Cheryl K. Klein and to appoint Alicia Grant to the Firefighter's Relief Fund Board of Trustees with one (1) term to expire on January 1, 2016 and one (1) term to expire on January 1, 2017 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY - APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to reappoint Farad Ali to the Raleigh-Durham Airport Authority with the term to expire on January 1, 2017 was approved at 7:20 p.m. by the following vote: Ayes: Mayor William V. Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - APPOINTMENTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to reappoint Isameldin E. Mohamed Ali representing Passenger Vehicle For Hire Operator and Larry Dixon representing Passenger on the Passenger Vehicle For Hire Commission with the terms to expire on January 1, 2018 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to accept the streets and infrastructure as listed below for maintenance by the City of Durham was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Lochside – Phase 3

- 1) Ranbir Drive – from the end of the existing construction @ STA 15+50 northward to the end of construction @ STA 23+73.76 (824') and
- 2) Paperbark Court – from the centerline of Ranbir Drive south through the cul-de-sac (882') and

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- 3) Orindo Drive- from the north centerline of Paperbark Court west to the beginning of Phase 3 construction @ STA 0+00 (595') and
- 4) Lake Mist Circle – from the centerline of Ranbir Drive southwest through the cul-de-sac (127').

SUBJECT: RESOLUTION CONCERNING UNACCOMPANIED MIGRANT CHILDREN IN DURHAM

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to adopt a Resolution Concerning Unaccompanied Migrant Children in Durham was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9913

SUBJECT: EXPEDITED HEARING REQUEST FOR ZONING MAP CHANGE - SOUTHSIDE EAST PHASES 2 AND 3 (Z1400034)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to adopt a resolution granting an expedited hearing per Section 3.5.11.B of the Unified Development Ordinance for zoning map change request Z1400034 (Southside East Phases 2 and 3), was approved at 7:20 p.m. by the following vote: Ayes: Mayor William V. Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9914

SUBJECT: LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM AND BRIGHTFIELD TRANSPORTATION SOLUTIONS TO INSTALL A DC FAST CHARGER IN PARKING LOT 32 (CHAPEL HILL STREET AT RAMSEUR STREET)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute the License Agreement with Brightfield Transportation Solutions to install a DC Fast Charger in parking lot 32 (Chapel Hill Street at Ramseur Street) was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: AGREEMENT FOR SIDEWALK CONSTRUCTION ON AVONDALE DRIVE (TIP #U-4726HM) – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2014-15, as amended, the same being Ordinance #14623, for the purpose of receiving the federal funds; and

To adopt a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation (NCDOT), was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14711
RESOLUTION #9915

SUBJECT: BID REPORT- NOVEMBER 2014

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2014 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.



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Date: December 2, 2014

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page Deputy City Manager

From: David Boyd, Finance Director
Jonathan Hawley, Purchasing Supervisor

Subject: Bid Report - November 2014

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Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2014.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1.	Bid:	Large plotter printer		
	Purpose of Bid:	Provides the Public Works Department with a large plotter printer for the engineering Services section		
	Comments:			
	Opened:	10/31/2014		
	Bidders:	Milner	*	\$14,580.54
		Morrisville, NC		
		Accent Imaging		\$15,349.00
		Raleigh, NC		
		DPI (Digital Print & Imaging, Inc.)		\$16,000.00
		Greenville, NC		
	*Awarded based on:	x	Low Bid	Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	294		# Black Males	33	11%
Total # Females	71	24%	# White Males	160	54%
Total # Males	223	76%	# Other Males	30	10%
			# Black Females	10	3%
			# White Females	54	18%
			# Other Females	7	2%

2.	Bid:	Digital In-Car Video System		
	Purpose of Bid:	Provides the Police Department with digital In-Car Video System for eight (8) police vehicles.		
	Comments:	Cohan Technologies, Inc. is the sole authorized provider of the Edge In-Car System which integrates with existing Police Department data systems.		
		8 systems @ \$6,055.00 each		
	Opened:	11/5/14		
	Bidders:	Cohan Technologies, Inc.	*	\$48,400.00
		Houston, TX		

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*Awarded based on: _____ Low Bid x _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>72</u>		# Black Males	<u>3</u>	<u>4%</u>
Total # Females	<u>21</u>	<u>29%</u>	# White Males	<u>15</u>	<u>21%</u>
Total # Males	<u>51</u>	<u>71%</u>	# Other Males	<u>33</u>	<u>46%</u>
			# Black Females	<u>2</u>	<u>3%</u>
			# White Females	<u>7</u>	<u>10%</u>
			# Other Females	<u>12</u>	<u>17%</u>

3. Bid: Replacement parts

Purpose of Bid: Provides the Water Management Department with replacement parts for Trojan chemical/mechanical cleaning system at the Mist Lake Facility.

Comments: EW2 Environmental is the sole authorized provider for the Trojan System UV3000 replacement parts required.

Opened: 11/6/14

Bidders: EW2 Environmental, Inc. * \$28,348.25
Charlotte, NC

*Awarded based on: _____ Low Bid X _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>10</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>3</u>	<u>30%</u>	# White Males	<u>7</u>	<u>70%</u>
Total # Males	<u>7</u>	<u>70%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>3</u>	<u>30%</u>
			# Other Females	<u>0</u>	<u>0%</u>

4. Bid: Security system upgrade

Purpose of Bid: Provides the General Services Department with a security badge system upgrade for the Public Works Operations Center (PWOC).

Comments: Security Integration Group (SIG) is the sole source provider for the City of Durham's badge access installations and security control systems.

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Security Integration Group (SIG) is the sole source provider for the City of Durham's badge access installations and security control systems.

Opened: 11/6/14
 Bidders: Security Integration Group (SIG) * \$21,945.00
 Durham, NC

*Awarded based on: _____ Low Bid X _____ Other (See Comments)

WORKFORCE STATISTICS
 CORPORATION STATISTICS

Total Workforce	3		# Black Males	0	0%
Total # Females	0	0%	# White Males	3	100%
Total # Males	3	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

5. Bid: Replacement parts

Purpose of Bid: Provides the Water Management with one hundred (100) pit registers for the Public Works Operations Center (PWOC).

Comments:

Opened: 11/11/14
 Bidders: HD Supply Waterworks * \$16,931.26
 Raleigh, NC
 Neptune Technology Group Inc. \$17,500.00
 Tallassee, AL
 Diversified Mechanical, Ltd \$18,190.00
 Durham, NC

*Awarded based on: _____ X _____ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
 CORPORATION STATISTICS

Total Workforce	16		# Black Males	3	19%
Total # Females	1	6%	# White Males	12	75%
Total # Males	15	94%	# Other Males	0	0%
			# Black Females	0	0%

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# White Females	<u>1</u>	<u>6%</u>
# Other Females	<u>0</u>	<u>0%</u>

6. Bid: Cargo Vans

Purpose of Bid: Provides the Fleet Maintenance Department with one (1) replacement cargo van for the General Service- Building Maintenance.

Comments:

Opened:	11/20/14		
Bidders:	Sir Walter Chevrolet	*	\$25,480.41
	Raleigh, NC		
	University Ford		\$28,500.00
	Durham, NC		

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>3</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>0</u>	<u>0%</u>	# White Males	<u>3</u>	<u>100%</u>
Total # Males	<u>3</u>	<u>100%</u>	# Other Males	<u>0</u>	<u>0%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>0</u>	<u>0%</u>
			# Other Females	<u>0</u>	<u>0%</u>

7. Bid: Mobile Digital Communicator (MDC)

Purpose of Bid: Provides the Police Department with twenty (20) replacement mobile digital communicator (MDC) computer system.

Comments: The MDC system improves "officer safety" by using GPS and map enabled software.

20 units @ \$2,209.70

Opened:	11/24/2014		
Bidders:	CDW-G	*	\$44,194.00
	Vernon Hills, IL		
	Ridgeline Technology		\$45,083.00
	Auburn, CA		
	Insight Public Sector		\$45,500.00

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Auburn, CA
ARC-IS \$49,806.80
Austin, TX

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	6408		# Black Males	236	4%
Total # Females	1776	28%	# White Males	3565	56%
Total # Males	4632	72%	# Other Males	831	13%
			# Black Females	127	2%
			# White Females	1327	21%
			# Other Females	322	5%

SUBJECT: CHANGE ORDER TO ADDRESS MODIFICATIONS TO THE MASONRY SCOPE OF WORK FOR 400 CLEVELAND STREET ROOF AND ENVELOPE RENOVATIONS - CONTRACT WITH L.A. DOWNEY AND SON, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute a change order to the construction contract for the 400 Cleveland Street Roof and Envelope Renovations project with L.A. Downey and Son, Inc. in the amount of \$46,144.00 so that the total contract amount will not exceed \$497,314.00; and

To increase the project contingency to \$49,700.00; and

To authorize the City Manager to negotiate and execute change orders on 400 Cleveland Street Roof and Envelope Renovations construction contract provided the total project cost does not exceed \$547,014.00 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR PROPERTY MANAGEMENT SERVICES WITH GWC PROPERTIES, LLC AT 616 E. MAIN STREET, 101 S. ELIZABETH STREET, 113 S. ELIZABETH STREET, 601 E. RAMSEUR STREET AND 605 E. RAMSEUR STREET

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute a contract for property management services with GWC Properties for the property located at 616 E. Main Street, 101 S. Elizabeth Street, 113 S. Elizabeth Street, 601 E. Ramseur Street and 605 E. Ramseur Street was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR THE PURCHASE OF SODIUM CHLORIDE (SALT)

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to enter into an Inter-local Cooperation Agreement with Durham County to allow the County to purchase sodium chloride (salt) from the City during winter weather events for use around various Counties owned facilities was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: U-3308 ALSTON AVENUE USE AND OCCUPANCY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute a Use and Occupancy Agreement with NCDOT for the relocation of City water and sewer utilities associated with the Alston Avenue project (U-3308) was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: EAST END CONNECTOR PROJECT (U-0071) AGREEMENT AND RAILROAD PERMIT WITH CSX TRANSPORTATION, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute an Encroachment Agreement and a Railroad Permit with CSX Transportation, Inc. for the relocation of City water utilities associated with the East End Connector project (U-0071) was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: OLD OXFORD ROAD AT DANUBE LANE (SS-4905BI) - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IMPROVEMENTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute a Construction Agreement with NCDOT for the relocation of City water utilities and the installation of sidewalk associated with NCDOT improvements on Old Oxford Highway at Danube Lane (SS-4905BI);

To authorize the expenditure of \$31,000.00 from the Water Extensions and Improvements fund for the utility relocation;

To establish a contingency fund from the Water Extensions and Improvements fund in the amount of \$3,100.00 (10%); and

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To authorize the expenditure of \$5,750.00 from the Transportation CIP Fed/State Matching fund for sidewalk installation with a total expenditure not to exceed \$39,850.00 was approved at 7:20 p.m. by the following vote: Ayes: Mayor William V. Bell, Mayor Pro-Tempore Cole-McFadden and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the December 18, 2014 Work Session:

12. Resolution Making Certain Statements of Fact Concerning a Proposed Bond Issue and Resolution Providing for the Issuance of Not to Exceed \$60,500,000.00 General Obligation Refunding Bonds, Series 2015
(This item was approved at the 12-18-14 Work Session with a vote of 7/0)
13. Resolution Approving an Amendment to the Installment Purchase Contract with New Durham Corporation and Related Matters
(This item was approved at the 12-18-14 Work Session with a vote of 7/0)
16. Lease of East Durham Recreation Center and Contract for Service to East Durham Children's Initiative
(This item was approved at the 12-18-14 Work Session with a vote of 7/0)
21. Presentation on the Pavement Condition Study Findings
(A presentation was received at the 12-18-14 Work Session)
24. Dave Rush
(Comments were received at the 12-18-14 Work Session)
25. Len Stanley
(Comments were received at the 12-18-14 Work Session)
26. Terry Morris
(Comments were received at the 12-18-14 Work Session)
27. Robin Jacobs
(Comments were received at the 12-18-14 Work Session)
28. Katherine Gill
(Comments were received at the 12-18-14 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: 2015 LONG SESSION LEGISLATIVE AGENDA

Karmisha Wallace, Sr. Assistant to the City Manager, introduced the item; stated there were questions raised at a recent Work Session relevant to a request by the Durham County Sheriff's

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Office to include an item on the Legislative Agenda; stated the proposed item would increase the penalty on offenses involving stolen firearms; indicated the Sheriff was requesting Council's support; and that it was not the intent of the administration to lobby legislators on the item.

Mayor Bell stated there was not currently a representative in the Chamber from the Sheriff's Office; and recognized speakers for public comment.

Lao Rubert, representing Carolina Justice Policy Center, stated she valued the work of the Sheriff; concurred she had concerns about firearms being used in the City; questioned if the proposal of increasing sentences would achieve the desired results; requested Council learn about the North Carolina sentencing structure; and spoke to the interrelationships between revising offenses and the impact on sentences.

Marcia Owen, representing the Religious Coalition for a Non-Violent Durham, elaborated on the proposed increased stolen firearms penalty from misdemeanor to a felony; stated the increase would make the penalty commiserate to assault with deadly weapon, kidnapping in the second degree, felony death by vehicle; reiterated the need to think thoroughly of how to address stolen firearm thefts in the City; cited expenses associated with incarceration; and concurred that it was a harsh response.

George Wilson, representing the Criminal Justice Policy Center, inquired if increasing the penalty for gun theft would impact crime; stated that increasing the penalty would result in mass incarcerations; emphasized that gun owners needed to know how to store and maintain weapons; stated there were too many guns in society; urged real gun legislation to solve the problem; noted that a higher penalty would not result in removing guns from the streets; and spoke to the process of tracing guns.

Mayor Pro Tempore Cole-McFadden spoke to an incident that occurred with a stray gunshot that resulted in the murder of a church member; referenced a shooting in the Old Farm neighborhood; and asked Mr. Wilson about what Council should do regarding such shootings and the circulation of stolen firearms.

Mayor Bell expressed serious concerns about the use of firearms in Durham; shared information about local leaders who meet monthly to focus on the tracking of local violent crime; referenced four categories of violent crimes (aggravated assault, robbery, rape, homicide) and stated that the majority occurred with firearms; spoke about a person's rationale for stealing firearms and committing crimes; spoke to conducting a study and coming back with decisive action; and inquired about the number of crimes that were committed with stolen firearms.

Councilmember Schewel reflected on the Mayor's continued advocacy against gun violence; stated he did not support the proposed legislative item due to its negative consequences; spoke to Ms. Rubert's background on the State Legislators' Sentencing Commission; differentiated between crimes against persons versus property; referenced the sale or receipt of a stolen firearm as a felony and suggested talking with the District Attorney about enforcing prosecution as a misdemeanor; referenced the increase of incarcerations; inquired if incarcerations had any effect on behavior; and stated he opposed the item as part of the Legislative Agenda.

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Mayor Bell stated that the Sheriff had arrived and requested he come to the podium for comment.

Sheriff Mike Andrews addressed the background for the proposed item to the Legislative Agenda; stated the proposal was based on his experiences with gun violence and increases in larcenies of firearms and gun safes; expressed the desire to do something about the level of violence; stated that stolen firearms were a more significant threat in the community due to being utilized in other crimes; requested Council's support of the item; and made the following statement:

Mr. Mayor, City Council Members:

I appreciate your consideration of the legislative initiatives I have forwarded to you and hope that you will support all of them. While I, and my Legal Advisor, are prepared to discuss all of them, I understand that the only questions you have concern the proposal to increase the penalties related to stolen firearms. This concerns the offenses of their larceny, sale or receipt of a stolen firearm from a Class H to a Class E felony; and an increase in minimum sentences where another felony is committed with a stolen firearm.

This proposal is based on my experience over the years of seeing so much gun violence in our community and of seeing an increase in larcenies in firearms, including gun safes. And I have heard a lot of discussion about the need to do something about the level of that violence.

Two years ago, Mayor Bell took a first step and proposed that the bail set for persons who commit criminal acts with weapons be dramatically increased, particularly when they were a repeat offender. The Council supported that proposal and it became law, so now, there is a rebuttable presumption against releasing persons from pre-trial confinement who are alleged to have committed previous firearms offenses.

I see this proposal as the next step, enhancing the punishment of those who are convicted of offenses involving stolen firearms. And yes, I do believe stolen firearms are a separate, and more significant, threat to our community. I think it is fairly obvious that stolen firearms are not being added to someone's collection, but instead are used in other crimes. This may be where it is used directly in an armed robbery, assault with a deadly weapon, or murder, or if it is merely carried by the criminal so that they have a deadly weapon available for their use, or possessed by a felon who is not legally allowed to own a firearm.

I realize there has been some concern over the proposed increase, and I do hope that the awareness of such a significant penalty for stealing, selling, or receiving a stolen firearm, will deter criminals. If that awareness does not, then perhaps their conviction and sentencing for this offense will remove that particular threat from our community.

Thank you and I look forward to discussing any concerns you may have.

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Curtis Massey, Legal Advisor Durham County Sheriff's Office, referenced Class H and E felony equivalencies and penalties; referenced comments made that this was an overly serious classification and referenced the seriousness of the act and the threat being the reason for making the change to Class E; he stated it had been suggested that a statute passed last year regarding enhanced sentencing when firearm was used in commission of a felony and said that was true, it only applied when use of firearm does not have to be proved as part of the underlying offense; and stated it was about elevating punishment of larceny with the use of a stolen firearm.

Councilmember Moffitt stated it was unintentional mischaracterization to talk about concerns - about it being too harsh when considering effectiveness; inquired about the speakers consulting the NC Sentencing Commission and asked if there had been a projection in the expected reduction in gun related thefts and crimes.

Sheriff Andrews stated he had seen an increase of 30-40% residential break-ins in the past year where firearms and safes were removed from houses.

Councilmember Moffitt inquired about the issue of proper storage of firearms; asked if the Sheriff supported legislation about penalizing homeowners who improperly stored firearms; and concurred with the Sheriff's desire to do something.

Sheriff Andrews stated that typically homes were ransacked, that the guns had been put up in cabinets, and that gun owners were buying safes; stated that he was committed to and supported the Choices Program for at-risk youth and that he was dedicated to trying to make a difference in the community; emphasized that families could visit those who were incarcerated but could not visit those buried in graveyards; and requested Council's support.

Councilmember Davis inquired about judicial discretion in determining sentences versus automatic minimum terms of imprisonment consisting of six-year sentences; and asked if it mattered who stole the weapons.

Mr. Massey responded that if a perpetrator received a weapon knowing it was stolen, then there would be an additional enhancement; and that the discretion would be up to the District Attorney.

Councilmember Brown expressed appreciation for the representatives from the Durham County Sheriff's Department being in attendance; inquired if Chief Lopez had been contacted for support; commented about storing firearms and that the burden of proof should not rest with the homeowner/gun owner; cited weaknesses in the judicial system relevant to juror compensation and financing autopsies; and expressed support for the proposal.

Sheriff Andrews confirmed that Chief Lopez was aware of the proposed item.

Councilmember Schewel summarized the proposal as an initiative supporting a mandatory minimum rather than allowing for judicial discretion and to impose a mandatory minimum was to move against the country's trend of dismantling mandatory minimums; concurred there had been a recent, local increase in firearm thefts; and referenced the Bureau of Justice Statistics'

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General Crime Data that specified firearms stolen in household burglaries was trending downward.

Mayor Bell requested clarification on the process.

Ms. Wallace responded that the Sheriff was soliciting Council's support of the legislative initiative that would advance independently of Council.

Mayor Bell inquired if the Sheriff had had conversations with legislators to which the Sheriff responded 'no'.

Mayor Bell stated he would like to move the item to the Legislative Breakfast in order to discuss the proposal with local legislators and to assess support; and inquired of the rationale of raising the penalty from Class H to E.

Sheriff Andrews responded that the shift in classification reflected the seriousness of a crime that involved a weapon being used; presented an analogy that computer messages could be recalled but that bullets could not; stated he cared deeply about the persons in the community and would like the initiative advanced with the support of Council.

Mayor Bell requested information pertaining to the increase in Class; requested statistics related to robberies that were conducted with stolen firearms; and suggested that the item be moved to the Legislative Breakfast for discussion scheduled for January 16th.

Councilmember Schewel suggested that the Council proceed with a vote on the Sheriff's proposal.

City Manager Bonfield requested clarification from Mayor Bell regarding the intent of the motion.

Mayor Bell confirmed that there were two different motions: one consisting of the advocacy request on stolen firearms and the other, a vote on the remaining Legislative package.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Councilmember Brown to support and include the Sheriff's item into the *2015 Long Session Legislative Agenda* [to increase the penalty for offenses involving stolen firearms] **FAILED** at 8:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmember Brown. Noes: Councilmembers Catotti, Davis, Moffitt and Schewel. Absent: None.

Councilmember Moffitt addressed Sheriff Andrews; expressed appreciation for the proposal in making the community safer; and acknowledged the energy put into the Sheriff's legislative proposals.

MOTION by Councilmember Moffitt, seconded by Councilmember Catotti, to approve the remaining items on the 2015 Long Session Legislative Agenda was approved at 8:14 p.m. by the following vote: Ayes: Mayor Bell and Councilmembers Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Pro Tempore Cole-McFadden.

**City of Durham
2015 Long Session Legislative Agenda**

REQUESTOR	REQUEST	ADDITIONAL INFORMATION
Planning Dept.	Amend charter to give notice of and hold public hearings on applications for initial zoning of property subject to a voluntary annexation petition <i>prior</i> to the passage of an annexation ordinance (<i>LOCAL BILL REQUEST</i>)	<ol style="list-style-type: none"> 1. Provides clear authority to hold public hearings on zoning map changes prior to the Council approving a voluntary annexation petition for the subject property. 2. Facilitates City Council's 2012 resolution which directs staff to present annexation petitions and the associated initial zoning item as a consolidated public hearing 3. Current State law prohibits this 4. HB 541 in 2013 – "Durham Voluntary Annexations" 5. A rewrite of the Planning and Zoning statutes is being proposed by the N.C. Bar Association for the 2015 session, and if approved as currently written, would make this legislation unnecessary.
	Amend charter to allow City Council to annex adjacent streets and street rights-of-way directly adjacent to a property subject to a voluntary annexation petition in voluntary annexation ordinance (<i>LOCAL BILL REQUEST</i>)	<ol style="list-style-type: none"> 1. Annexation changes in 2011 and 2012 prohibited cities from annexing a right-of-way unless the existing City limit is directly across the street. 2. Resulted in areas of unincorporated Durham County jurisdiction abutted by property within the City of Durham 3. Impacts emergency responders – un-annexed streets is handled by County volunteer fire departments and Sheriff; while adjacent properties in City limits are address by City Fire and Police 4. Impacts street lights & sidewalks – not being installed on streets adjacent to development located within the City since NCDOT typically will not allow installation of these improvements in NCDOT street rights-of-way 5. Impacts to streets – being built to NCDOT standards rather than City standards

REQUESTOR	REQUEST
Durham County Sheriff	Amend General Statute to change brake light requirements
Durham County Sheriff & Durham County Manager	Amend the General Statute to shorten the amount of time to hold and advertise unclaimed livestock
Durham County Manager on behalf of EMS Director	Require State Medicaid program to use Federal rules for determination of medical necessity for ambulance transport
Durham County Manager on behalf of Durham County Commissioners	Restoration of Historic Preservation Rehabilitation Tax Credits
Durham County Manager on behalf of Durham County Commissioners	Fully fund the Justice Reinvestment Act
Philip Azar on behalf of the Durham Inter Neighborhood Council	Seek authority to install speed cameras near parks, schools and hospitals to improve traffic safety
Philip Azar on behalf of the Durham Inter Neighborhood Council	Ask the Durham delegation to inquire with NCDOT about increasing the number of bike and pedestrian questions on state driving license tests and related study materials

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[PUBLIC HEARING]

**SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION TO RESCIND
ELEVEN PREVIOUSLY ORDERED PETITIONED SIDEWALKS**

Marvin Williams, Director of Public Works, provided background on the item stating that the purpose of the item was to hold a public hearing to rescind eleven (11) previously ordered petitioned sidewalk projects. He stated at the September 4, 2014 Work Session, an item was brought forward regarding the prioritization of sidewalk construction, including the eleven projects on this item, and after much discussion Council expressed a desire to amend the assessment rate for these petitioned projects from \$5.00 per front foot to \$35.00 per front. In order to do this, Mr. Williams stated Council must first rescind the existing ordered projects, prior to re-issuing new petitions at the higher rate for those that desire them. The item was for the initial rescission of the projects. All other actions (i.e., issuing new petitions and ordering projects at the higher rate) would occur in the future as separate actions. All property owners, petition sponsors, and applicable Home Owners Associations had been notified of the public hearing via U.S. Mail. Letters were mailed on December 19, 2014. In addition, an ad announcing the public hearing was in the December 22nd edition of the Durham *Herald Sun* Newspaper.

Staff recommended that Council act on the rescission of the projects.

Mayor Bell stated there were speakers to the item.

Bill Mitchell, representing the Parkwood Association, addressed the Grandale and Sedwick Street sidewalks listed; requested that Council not rescind the two projects to seek methods of financing the construction of the projects; presented a map and explained rationale of continuing the sidewalk projects; and requested Council's support.

Wallace Lamb, representing the Eno Trace Subdivision; expressed appreciation for Council's efforts; requested Council's support in constructing sidewalks in his subdivision; stated that sidewalks would encourage neighbors to walk; and would enhance the safety of the community.

Jesse Bash, representing the Eno Trace Subdivision; spoke to safety and health concerns in his neighborhood; addressed concerns about walking hazards at Shadebush and Lazyriver Drive on the south side of Infinity; and asked Council not to rescind the sidewalk projects.

Rhoda Silver, spoke in support of Council rescinding the sidewalk projects; stated that she preferred the privacy of not having sidewalks; and expressed concerns about her landscaping being removed.

Maria Oyaski, petition owner on Green Street; spoke to the linkage of sidewalks near the George Watts Elementary School; expressed concerns about the false choice raised up saying that neighborhood initiated sidewalk project petitions needed to be rescinded in order to allow the top down rather than the bottom up vision of where sidewalks needed to go; thanked staff for providing resources; emphasized that it was important to consider the cost of sidewalks; stated it

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was important to have sidewalks for safety and health purposes; spoke to the Durham Strategic Plan goals; and inquired about the actual costs of implementing the Durham Walks! Plan.

Mayor Bell closed the public hearing; and asked for Council comment.

Councilmember Catotti appreciated the public feedback; stated that the City needed additional funding for sidewalks; stated there were very limited funds dedicated for sidewalks; expected conversations regarding sidewalks in upcoming budget hearings; viewed the vote on the item as a prioritization of current and next step efforts; stated that to proceed with some sidewalks independent of the Durham Walks! Priority plan, was not the best use of limited funds; and deferred to staff for options.

City Manager Bonfield requested Mr. Williams to provide the average cost per linear foot for sidewalk installations; clarified the process that if Council rescinded the petitions, there would be an opportunity for new petitions to come forward from neighborhoods and others; stated that for the sidewalk projects in the Durham Walks! Plan, the estimated cost for petitioners would be \$35/foot; added that projects outside the plan would be at full cost; and inquired about the revisiting the prioritization of the Durham Walks! Plan.

Mr. Williams estimated \$55 per linear foot but that cost varied; noted that the new petition policy required petitioners to pay \$35 per linear foot for those within the Durham Walks! Plan; and stated that five of the projects fell within the guidelines of the Durham Walks! Plan.

Robert Joyner, of Public Works Department, identified the projects that were included in the Durham Walks! Plan as South Roxboro Street, Green Street, Sedwick Drive, University Drive, and Grandale Drive.

Mark Ahrendsen, of Transportation Department, stated that the Durham Walks! Plan would be updated during the budget process.

Councilmember Schewel concurred with the speakers about the need for sidewalks and funding; stated sidewalks were expensive; estimated the costs for a mile of sidewalk at approximately \$250,000; and stated for sidewalk advocates, it was essential to convince other taxpayers of the need.

Councilmember Moffitt referenced the petition process; noted that some projects had been on the list for years and had not yet been funded; and stated he had received an email, dated 1/3/15, from Deidra Murphy, regarding the University Drive project, who expressed her opposition to rescission.

Councilmember Brown thanked those in attendance for their interest in the matter; referenced the Parkwood project and inquired about the park and sidewalk near Parkwood Elementary and the rationale for negative scoring.

Mr. Mitchell responded that the park was Parkwood's largest park; noted the consultant gave the sidewalk a score of zero; described the connectivity of the Sedwick sidewalk to Revere Road sidewalk that went directly by the school; stated that since the Sedwick sidewalk did not go

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directly by the school, the sidewalk project did not get a score; and stated he felt the consultants' evaluation process was unfair.

Councilmember Brown expressed a desire to correct the situation; stated he was on the record saying that Durham was sidewalk poor; stated the former \$20 million street improvement bond had no set-aside for sidewalks; emphasized the need for connectivity between neighborhoods and within neighborhoods; and added that sidewalks would be addressed during the budget process.

Mayor Bell closed the public hearing.

City Manager Bonfield emphasized that the staff recommendation was to rescind the previously ordered sidewalks; and initiate the process anew.

MOTION by Councilmember Catotti, seconded by Councilmember Schewel, to receive comments on adopting a resolution rescinding eleven previously ordered petitioned sidewalks; and

To adopt a Resolution rescinding the following previously ordered sidewalks was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell and Councilmember Catotti, Davis, Moffitt and Schewel. Noes: Councilmember Brown. Excused Absence: Mayor Pro Tempore Cole-McFadden.

RESOLUTION #9916

1. South Roxboro Street (East Side) from Juliette Drive south to Greyfield Boulevard
2. Juliette Drive (North Side) from South Roxboro Street to PIN #0729-01-16-2672
3. Infinity Road (South Side) from Shadebush Drive to Lazyriver Drive
4. Green Street (South Side) from Gregson Street to Watts Street
5. Monmouth Avenue (South Side) from North Buchanan Boulevard to Watts Street
6. Fayetteville Road (West Side) from the north property line of PIN 0717-02-69-7405 to the south property line of PIN 0717-02-69-7405
7. Sedwick Road (North Side) from Revere Road to Grandale Drive
8. University Drive (East Side) from Durham Chapel Hill Boulevard to West Forest Hills Drive
9. Hardwick Drive (North Side) from the west property line of PIN 0728-03-24-3003 to Wellingham Drive
10. Yorktown Ave (West Side) from Martin Luther King, Jr Parkway northeast to the northeast property line of PIN 0739-01-05-9585
11. Grandale Drive (East Side) from Sedwick Road to Lyon Farm Drive

Councilmember Catotti stated that by motion, Council had effectively approved the staff recommendation to rescind, but an alternative had not been approved; and that alternatives would be considered during the budget process.

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There being no further business to come before the Council, the meeting was adjourned at 8:47 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk